

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 3. The Governor's Office of Management and Budget
5 Act is amended by changing Section 6 as follows:

6 (20 ILCS 3005/6) (from Ch. 127, par. 416)

7 Sec. 6. In performing its responsibility under Section 2.1,
8 to assist the Governor in submitting a recommended budget, the
9 Office shall:

10 (a) Distribute to all state agencies the proper blanks
11 necessary to the preparation of budget estimates, which blanks
12 shall be in such form as shall be prescribed by the Director,
13 to procure, among other things, information as to the revenues
14 and expenditures for the preceding fiscal year, the
15 appropriations made by the General Assembly for the preceding
16 fiscal year, the expenditures therefrom, obligations incurred
17 thereon, and the amounts unobligated and unexpended, an
18 estimate of the revenues and expenditures of the current fiscal
19 year, and an estimate of the revenues and amounts needed for
20 the respective departments and offices for the next succeeding
21 fiscal year.

22 (b) Require from each state agency its estimate of receipts
23 and expenditures for the succeeding fiscal year, accompanied by

1 a statement in writing giving facts and explanation of reasons
2 for each item of expenditure requested. With respect to the
3 State Board of Education, after adopting the annual budget
4 recommendation, the State Board of Education shall also submit
5 a report with all of the following information to the General
6 Assembly:

7 (1) The number of public budget hearings conducted
8 around this State.

9 (2) A list of the individuals and organizations that
10 participated in the public budget hearings and their
11 requested budget allocation.

12 (3) A summary of the Finance and Audit Committee's
13 discussions at the December and January State Board of
14 Education meetings.

15 (4) The rationale for requested budget increases.

16 (5) The number of additional State Board of Education
17 staff required to implement the budget.

18 (6) Any additional information that would provide
19 information on the budget-making process.

20 (c) Make, at the discretion of the Director, further
21 inquiries and investigations as to any item desired.

22 (d) Approve, disapprove or alter the estimates.

23 (Source: P.A. 93-25, eff. 6-20-03.)

24 Section 5. The School Code is amended by changing Sections
25 1A-1, 1A-2, 1A-2.1, and 1A-4 as follows:

1 (105 ILCS 5/1A-1) (from Ch. 122, par. 1A-1)

2 Sec. 1A-1. Members and terms.

3 (a) (Blank).

4 (a-5) In this Section, "ex parte communication" means any
5 written or oral communication by any person that imparts or
6 requests material information or makes a material argument
7 regarding potential action concerning regulatory, quasi
8 regulatory, investment, or licensing matters pending before or
9 under consideration by the State Board of Education. "Ex parte
10 communication" does not include (i) statements by a person
11 publicly made in a public forum, (ii) statements regarding
12 matters of procedure and practice, such as format, the number
13 of copies required, the manner of filing, and the status of a
14 matter, and (iii) statements made by an employee of the State
15 Board of Education to the agency head of the State Board of
16 Education or to other employees of the State Board of
17 Education.

18 (b) The State Board of Education shall consist of 8 members
19 and a chairperson, who shall be appointed, with the advice and
20 consent of the Senate, by the Governor with the assistance of a
21 Nomination Panel or by a Nomination Panel if the Governor does
22 not act within the 30 days allotted, as provided in subsection
23 (c-5) of this Section, ~~with the advice and consent of the~~
24 ~~Senate~~ from a pattern of regional representation as follows: 2
25 appointees shall be selected from among those counties of the

1 State other than Cook County and the 5 counties contiguous to
2 Cook County; 2 appointees shall be selected from Cook County,
3 one of whom shall be a resident of the City of Chicago and one
4 of whom shall be a resident of that part of Cook County which
5 lies outside the city limits of Chicago; 2 appointees shall be
6 selected from among the 5 counties of the State that are
7 contiguous to Cook County; and 3 members shall be selected as
8 members-at-large (one of which shall be the chairperson). With
9 respect to these appointments, one member of the State Board of
10 Education must be a former school board member, one member must
11 be a former district superintendent, one member must be a
12 former teacher, and one member must have significant business
13 experience. The Governor who takes office on the second Monday
14 of January after his or her election shall be the person who
15 appoints ~~nominates~~ members ~~to fill vacancies~~ whose terms begin
16 after that date ~~and before the term of the next Governor~~
17 ~~begins.~~

18 (b-5) The members of the State Board of Education shall be
19 appointed to serve for the following terms:

20 (1) The members in office on the effective date of this
21 amendatory Act of the 96th General Assembly shall serve
22 until their terms expire in January of 2011 or January of
23 2013, whichever is applicable, and their successors are
24 appointed and have qualified.

25 (2) The successor of one of the members whose term
26 expires in January of 2011 and who was selected from among

1 those counties of the State other than Cook County and the
2 5 counties contiguous to Cook County shall serve for a term
3 that expires on the second Wednesday of January, 2017 and
4 until his or her successor is appointed and has qualified.

5 (3) The successor of the member whose term expires in
6 January of 2011 and who was selected from Cook County and
7 is a resident of the City of Chicago shall serve for a term
8 that expires on the second Wednesday of January, 2017 and
9 until his or her successor is appointed and has qualified.

10 (4) The successor of the member whose term expires in
11 January of 2011 and who was selected as a member-at-large
12 and is the chairperson shall serve for a term that expires
13 on the second Wednesday of January, 2017 and until his or
14 her successor is appointed and has qualified.

15 (5) The successor of the other member whose term
16 expires in January of 2011 and who was selected from among
17 those counties of the State other than Cook County and the
18 5 counties contiguous to Cook County shall serve for a term
19 that expires on the second Wednesday of January, 2013 and
20 until his or her successor is appointed and has qualified.
21 The successor to this member (who may be reappointed) shall
22 serve for a term that expires on the second Wednesday of
23 January, 2019 and until his or her successor is appointed
24 and has qualified.

25 (6) The successor of the member whose term expires in
26 January of 2011 and who was selected as a member-at-large

1 and is not the chairperson shall serve for a term that
2 expires on the second Wednesday of January, 2013 and until
3 his or her successor is appointed and has qualified. The
4 successor to this member (who may be reappointed) shall
5 serve for a term that expires on the second Wednesday of
6 January, 2019 and until his or her successor is appointed
7 and has qualified.

8 (7) The successor of the member whose term expires in
9 January of 2013 and who was selected from Cook County and
10 is a resident of that part of Cook County that lies outside
11 the city limits of Chicago shall serve for a term that
12 expires on the second Wednesday of January, 2015 and until
13 his or her successor is appointed and has qualified. The
14 successor to this member shall serve for a term that
15 expires on the second Wednesday of January, 2021 and until
16 his or her successor is appointed and has qualified.

17 (8) The successor of one of the members whose term
18 expires in January of 2013 and who was selected from among
19 the 5 counties of the State contiguous to Cook County shall
20 serve for a term that expires on the second Wednesday of
21 January, 2015 and until his or her successor is appointed
22 and has qualified. The successor to this member shall serve
23 for a term that expires on the second Wednesday of January,
24 2021 and until his or her successor is appointed and has
25 qualified.

26 (9) The successor of the member whose term expires in

1 January of 2013 and who was selected as a member-at-large
2 and is not the chairperson shall serve for a term that
3 expires on the second Wednesday of January, 2015 and until
4 his or her successor is appointed and has qualified. The
5 successor to this member shall serve for a term that
6 expires on the second Wednesday of January, 2021 and until
7 his or her successor is appointed and has qualified.

8 (10) The successor of the other member whose term
9 expires in January of 2013 and who was selected from among
10 the 5 counties of the State contiguous to Cook County shall
11 serve for a term that expires on the second Wednesday of
12 January, 2019 and until his or her successor is appointed
13 and has qualified.

14 ~~The term of each member of the State Board of Education~~
15 ~~whose term expires on January 12, 2005 shall instead terminate~~
16 ~~on the effective date of this amendatory Act of the 93rd~~
17 ~~General Assembly. Of these 3 seats, (i) the member initially~~
18 ~~appointed pursuant to this amendatory Act of the 93rd General~~
19 ~~Assembly whose seat was vacant on April 27, 2004 shall serve~~
20 ~~until the second Wednesday of January, 2009 and (ii) the other~~
21 ~~2 members initially appointed pursuant to this amendatory Act~~
22 ~~of the 93rd General Assembly shall serve until the second~~
23 ~~Wednesday of January, 2007.~~

24 ~~The term of the member of the State Board of Education~~
25 ~~whose seat was vacant on April 27, 2004 and whose term expires~~
26 ~~on January 10, 2007 shall instead terminate on the effective~~

1 ~~date of this amendatory Act of the 93rd General Assembly. The~~
2 ~~member initially appointed pursuant to this amendatory Act of~~
3 ~~the 93rd General Assembly to fill this seat shall be the~~
4 ~~chairperson and shall serve until the second Wednesday of~~
5 ~~January, 2007.~~

6 ~~The term of the member of the State Board of Education~~
7 ~~whose seat was vacant on May 28, 2004 but after April 27, 2004~~
8 ~~and whose term expires on January 10, 2007 shall instead~~
9 ~~terminate on the effective date of this amendatory Act of the~~
10 ~~93rd General Assembly. The member initially appointed pursuant~~
11 ~~to this amendatory Act of the 93rd General Assembly to fill~~
12 ~~this seat shall serve until the second Wednesday of January,~~
13 ~~2007.~~

14 ~~The term of the other member of the State Board of~~
15 ~~Education whose term expires on January 10, 2007 shall instead~~
16 ~~terminate on the effective date of this amendatory Act of the~~
17 ~~93rd General Assembly. The member initially appointed pursuant~~
18 ~~to this amendatory Act of the 93rd General Assembly to fill~~
19 ~~this seat shall serve until the second Wednesday of January,~~
20 ~~2007.~~

21 ~~The term of the member of the State Board of Education~~
22 ~~whose term expires on January 14, 2009 and who was selected~~
23 ~~from among the 5 counties of the State that are contiguous to~~
24 ~~Cook County and is a resident of Lake County shall instead~~
25 ~~terminate on the effective date of this amendatory Act of the~~
26 ~~93rd General Assembly. The member initially appointed pursuant~~

1 ~~to this amendatory Act of the 93rd General Assembly to fill~~
2 ~~this seat shall serve until the second Wednesday of January,~~
3 ~~2009.~~

4 (b-10) Upon expiration of the terms of the members as set
5 forth in subsection (b-5) of this Section ~~initially appointed~~
6 ~~under this amendatory Act of the 93rd General Assembly and~~
7 ~~members whose terms were not terminated by this amendatory Act~~
8 ~~of the 93rd General Assembly,~~ their respective successors shall
9 be appointed for terms of 6 ~~4~~ years, from the second Wednesday
10 in January ~~of each odd numbered year~~ and until their respective
11 successors are appointed and have qualified.

12 (c) ~~At~~ Of ~~the 4 members, excluding the chairperson, whose~~
13 ~~terms expire on the second Wednesday of January, 2007 and every~~
14 ~~4 years thereafter, one of those members must be an at large~~
15 ~~member and at no time may more than 5~~ 2 ~~of those members of the~~
16 State Board of Education be from one political party. ~~Of the 4~~
17 ~~members whose terms expire on the second Wednesday of January,~~
18 ~~2009 and every 4 years thereafter, one of those members must be~~
19 ~~an at large member and at no time may more than 2 of those~~
20 ~~members be from one political party.~~ Party membership is
21 defined as having voted in the primary of the party in the last
22 primary before appointment.

23 (c-5) The Nomination Panel is established to provide a list
24 of nominees to the Governor for appointment to the State Board
25 of Education. Members of the Nomination Panel must be appointed
26 by majority vote of the following appointing authorities: the

1 Governor, the Attorney General, and the Secretary of State.
2 Each member of the Nomination Panel shall serve for a term that
3 expires on January 15 of each even-numbered year and until his
4 or her successor is appointed and has qualified. The appointing
5 authorities may hold as many public or non-public meetings as
6 is required to fulfill their duties and may utilize their
7 respective staff and budget in carrying out their duties,
8 provided that the final vote on appointees to the Nomination
9 Panel shall take place in a meeting governed by the Open
10 Meetings Act. Any ex parte communications regarding the
11 Nomination Panel must be made a part of the record at the next
12 public meeting and part of a written record. The appointing
13 authorities shall file a list of members of the Nomination
14 Panel with the Secretary of State within 30 days after the
15 effective date of this amendatory Act of the 96th General
16 Assembly. Thereafter, the appointing authorities shall file a
17 list of members of the Nomination Panel with the Secretary of
18 State within 30 days after January 15 of each even-numbered
19 year. Members of the Nomination Panel may be reappointed. A
20 vacancy on the Nomination Panel due to disqualification or
21 resignation must be filled within 30 days after the vacancy,
22 and the appointing authorities must file the name of the new
23 appointee with the Secretary of State.

24 The Nomination Panel shall consist of the following 7
25 members:

26 (1) Two members must be former district

1 superintendents.

2 (2) One member must be a former elementary school
3 teacher.

4 (3) One member must be a former secondary school
5 teacher.

6 (4) Two members must be former State legislators with
7 significant experience and involvement in the elementary
8 and secondary education appropriation process.

9 (5) One member must have at least 5 years of experience
10 with a nonprofit agency in this State that is committed to
11 education advocacy and has an interest in education reform.

12 The appointing authorities shall solicit recommendations
13 from the Illinois Education Association, the Illinois
14 Federation of Teachers, the Illinois Statewide School
15 Management Alliance, ED-RED, the Illinois Association of
16 Regional Superintendents of Schools, the Metropolitan Planning
17 Council, the Illinois PTA, the Civic Committee of the
18 Commercial Club of Chicago, Voices for Illinois Children,
19 Action for Children, the Legislative Education Network of
20 DuPage County (LEND), the South Cooperative Organization for
21 Public Education (SCOPE), A+ Illinois, the Ounce of Prevention
22 Fund, the Illinois Business Roundtable, and any other source
23 deemed appropriate. Each member of the Nomination Panel shall
24 receive \$300 for each day the Nomination Panel meets.

25 At no time may more than 4 members of the Nomination Panel
26 be from one political party. Party membership is defined as

1 having voted in the primary of the party in the last primary
2 before appointment.

3 Candidates for nomination to the State Board of Education
4 may apply or be nominated. The Nomination Panel has 30 days
5 after it is established to accept applications and nominations.
6 All candidates must fill out a written application and submit
7 to a background investigation to be eligible for consideration.
8 The written application must include a sworn statement signed
9 by the candidate disclosing any communications relating to the
10 regulation of elementary and secondary education that the
11 applicant has engaged in within the last year with a
12 constitutional officer, a member of the General Assembly, an
13 officer or other employee of the executive branch of this
14 State, or an employee of the legislative branch of this State.

15 A person who provides false or misleading information on
16 the application or fails to disclose a communication required
17 to be disclosed in the sworn statement under this Section is
18 guilty of a Class 3 felony.

19 Once an application is submitted to the Nomination Panel
20 and until (i) the candidate is rejected by the Nomination
21 Panel, (ii) the candidate is rejected by the Governor, (iii)
22 the candidate is rejected by the Senate, or (iv) the candidate
23 is confirmed by the Senate, whichever is applicable, a
24 candidate may not engage in ex parte communications.

25 Within 60 days after the Nomination Panel is established,
26 the Nomination Panel must review written applications,

1 determine eligibility for oral interviews, confirm
2 satisfactory background investigations, and hold public
3 hearings on qualifications of candidates. Initial interviews
4 of candidates need not be held in meetings subject to the Open
5 Meetings Act; members or staff may arrange for informal
6 interviews. Prior to recommendation, however, the Nomination
7 Panel must question candidates under oath in a meeting subject
8 to the Open Meetings Act.

9 The Nomination Panel must recommend 15 nominees for
10 appointment to the State Board of Education within 60 days
11 after the Nomination Panel is established. The Governor may
12 choose only from these nominations. The Nomination Panel shall
13 deliver a list of the nominees, including a memorandum
14 detailing the nominees' qualifications, to the Governor. After
15 submitting the list to the Governor, the Nomination Panel shall
16 file a copy along with a statement confirming delivery of the
17 list and memorandum to the Governor with the Secretary of
18 State. The Secretary of State shall indicate the date and time
19 of filing.

20 After reviewing the nominations, the Governor may select 5
21 nominees for appointment to the State Board of Education, to be
22 confirmed by the Senate. The Governor shall file the names of
23 his or her appointments with the Senate and the Secretary of
24 State. The Secretary of State shall indicate the date and time
25 of filing.

26 The Governor has 30 days from the date the Nomination Panel

1 files its list of nominees with the Secretary of State to make
2 appointments to be confirmed by the Senate. If the Governor
3 does not select all appointees within this 30 days, the
4 Nomination Panel may appoint those members not yet selected for
5 appointment by the Governor. The Nomination Panel shall file
6 the names of its appointments with the Senate and the Secretary
7 of State. The Secretary of State shall indicate the date and
8 time of filing.

9 Appointments by the Governor or Nomination Panel must be
10 confirmed by the Senate by two-thirds of its members by record
11 vote. Any appointment not acted upon within 30 calendar days
12 after the date of filing the names of appointments with the
13 Secretary of State shall be deemed to have received the advice
14 and consent of the Senate.

15 (d) When a vacancy occurs on the State Board of Education,
16 the Nomination Panel shall accept applications and nominations
17 of candidates for 30 days from the date the vacancy occurred.
18 All candidates must fill out a written application and submit
19 to a background investigation to be eligible for consideration.
20 The written application must include a sworn statement signed
21 by the candidate disclosing any communications relating to the
22 regulation of elementary and secondary education that the
23 applicant has engaged in within the last year with a
24 constitutional officer, a member of the General Assembly, an
25 officer or other employee of the executive branch of this
26 State, or an employee of the legislative branch of this State.

1 A person who provides false or misleading information on
2 the application or fails to disclose a communication required
3 to be disclosed in the sworn statement under this Section is
4 guilty of a Class 3 felony. Once an application is submitted to
5 the Nomination Panel and until (i) the candidate is rejected by
6 the Nomination Panel, (ii) the candidate is rejected by the
7 Governor, (iii) the candidate is rejected by the Senate, or
8 (iv) the candidate is confirmed by the Senate, whichever is
9 applicable, a candidate may not engage in ex parte
10 communications.

11 The Nomination Panel must review written applications,
12 determine eligibility for oral interviews, confirm
13 satisfactory background investigations, and hold public
14 hearings on qualifications of candidates. Initial interviews
15 of candidates need not be held in meetings subject to the Open
16 Meetings Act; members or staff may arrange for informal
17 interviews. Prior to recommendation, however, the Nomination
18 Panel must question candidates under oath in a meeting subject
19 to the Open Meetings Act.

20 The Nomination Panel must nominate at least 3 candidates
21 for the vacancy within 60 days after that vacancy occurs.
22 Within 30 days after that, the Governor shall appoint one of
23 those nominees to fill the vacancy for the remainder of the
24 unexpired term. If the Governor does not fill the vacancy
25 within the 30 days, the Nomination Panel may make the
26 appointment. Vacancies shall be confirmed by the Senate in the

1 same manner as full-term appointments under subsection (c-5) of
2 this Section. ~~Vacancies in terms shall be filled by appointment~~
3 ~~by the Governor with the advice and consent of the Senate for~~
4 ~~the extent of the unexpired term. If a vacancy in membership~~
5 ~~occurs at a time when the Senate is not in session, the~~
6 ~~Governor shall make a temporary appointment until the next~~
7 ~~meeting of the Senate, when the Governor shall appoint a person~~
8 ~~to fill that membership for the remainder of its term. If the~~
9 ~~Senate is not in session when appointments for a full term are~~
10 ~~made, the appointments shall be made as in the case of~~
11 ~~vacancies.~~

12 (Source: P.A. 93-1036, eff. 9-14-04.)

13 (105 ILCS 5/1A-2) (from Ch. 122, par. 1A-2)

14 Sec. 1A-2. Qualifications. The members of the State Board
15 of Education shall be citizens of the United States and
16 residents of the State of Illinois and shall be selected as far
17 as may be practicable on the basis of their knowledge of, or
18 interest and experience in, problems of public education. No
19 member of the State Board of Education shall be gainfully
20 employed or administratively connected with any school system,
21 nor have any interest in or benefit from funds provided by the
22 State Board of Education to an institution of higher learning,
23 public or private, within Illinois, nor shall they be members
24 of a school board or board of school trustees of a public or
25 nonpublic school, college, university or technical institution

1 within Illinois. No member shall be appointed to more than 2
2 full-year ~~six-year~~ terms. Members shall be reimbursed for all
3 ordinary and necessary expenses incurred in performing their
4 duties as members of the Board. Expenses shall be approved by
5 the Board and be consistent with the laws, policies, and
6 requirements of the State of Illinois regarding such
7 expenditures, plus any member may include in his claim for
8 expenses \$50 per day for meeting days.

9 (Source: P.A. 90-548, eff. 1-1-98; revised 10-23-08.)

10 (105 ILCS 5/1A-2.1) (from Ch. 122, par. 1A-2.1)

11 Sec. 1A-2.1. Vacancies. In addition to the authority of the
12 Governor to remove a person from office under Section 10 of
13 Article V of the Constitution of the State of Illinois, the
14 State Board of Education ~~The Governor~~ may remove for
15 incompetence, neglect of duty, or malfeasance in office any
16 member of the State Board of Education by a two-thirds vote in
17 favor of removal. A vacancy also exists on the State Board of
18 Education when one or more of the following events occur:

19 1. A member dies.

20 2. A member files a written resignation with the Governor.

21 3. A member is adjudicated to be a person under legal
22 disability under the Probate Act of 1975 or a person subject to
23 involuntary admission under the Mental Health and
24 Developmental Disabilities Code.

25 4. A member ceases to be a resident of the region from

1 which he or she was appointed.

2 5. A member is convicted of an infamous crime or of any
3 offense involving a violation of his or her duties under this
4 Code.

5 6. A member fails to maintain the qualifications stated in
6 Section 1A-2 of this Code.

7 (Source: P.A. 93-1036, eff. 9-14-04.)

8 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

9 Sec. 1A-4. Powers and duties of the Board.

10 A. (Blank).

11 B. The Board shall determine the qualifications of and
12 appoint a chief education officer, to be known as the State
13 Superintendent of Education, ~~who may be proposed by the~~
14 ~~Governor and~~ who shall serve at the pleasure of the Board and
15 pursuant to a performance-based contract linked to statewide
16 student performance and academic improvement within Illinois
17 schools. Upon expiration or buyout of the contract of the State
18 Superintendent of Education in office on the effective date of
19 this amendatory Act of the 96th ~~93rd~~ General Assembly, a new
20 State Superintendent of Education may ~~shall~~ be appointed by the
21 ~~a~~ State Board of Education ~~that includes the 7 new Board~~
22 ~~members who were appointed to fill seats of members whose terms~~
23 ~~were terminated on the effective date of this amendatory Act of~~
24 ~~the 93rd General Assembly. Thereafter, a State Superintendent~~
25 ~~of Education must, at a minimum, be appointed at the beginning~~

1 ~~of each term of a Governor after that Governor has made~~
2 ~~appointments to the Board.~~ A performance-based contract issued
3 for the employment of a State Superintendent of Education must
4 be for 4 years. ~~A entered into on or after the effective date~~
5 ~~of this amendatory Act of the 93rd General Assembly must expire~~
6 ~~no later than February 1, 2007, and subsequent contracts must~~
7 ~~expire no later than February 1 each 4 years thereafter. No~~
8 ~~contract shall be extended or renewed beyond February 1, 2007~~
9 ~~and February 1 each 4 years thereafter, but a State~~
10 Superintendent of Education shall serve until his or her
11 successor is appointed. Each contract entered into ~~on or before~~
12 ~~January 8, 2007~~ with a State Superintendent of Education must
13 provide that the State Board of Education may terminate the
14 contract for cause, and the State Board of Education shall not
15 thereafter be liable for further payments under the contract.
16 ~~With regard to this amendatory Act of the 93rd General~~
17 ~~Assembly, it is the intent of the General Assembly that,~~
18 ~~beginning with the Governor who takes office on the second~~
19 ~~Monday of January, 2007, a State Superintendent of Education be~~
20 ~~appointed at the beginning of each term of a Governor after~~
21 ~~that Governor has made appointments to the Board.~~ The State
22 Superintendent of Education shall not serve as a member of the
23 State Board of Education. The Board shall set the compensation
24 of the State Superintendent of Education who shall serve as the
25 Board's chief executive officer. The Board shall also establish
26 the duties, powers and responsibilities of the State

1 Superintendent, which shall be included in the State
2 Superintendent's performance-based contract along with the
3 goals and indicators of student performance and academic
4 improvement used to measure the performance and effectiveness
5 of the State Superintendent. The State Board of Education may
6 delegate to the State Superintendent of Education the authority
7 to act on the Board's behalf, provided such delegation is made
8 pursuant to adopted board policy or the powers delegated are
9 ministerial in nature. The State Board may not delegate
10 authority under this Section to the State Superintendent to (1)
11 nonrecognize school districts, (2) withhold State payments as a
12 penalty, or (3) make final decisions under the contested case
13 provisions of the Illinois Administrative Procedure Act unless
14 otherwise provided by law.

15 C. The powers and duties of the State Board of Education
16 shall encompass all duties delegated to the Office of
17 Superintendent of Public Instruction on January 12, 1975,
18 except as the law providing for such powers and duties is
19 thereafter amended, and such other powers and duties as the
20 General Assembly shall designate. The Board shall be
21 responsible for the educational policies and guidelines for
22 public schools, pre-school through grade 12 and Vocational
23 Education in the State of Illinois. The Board shall analyze the
24 present and future aims, needs, and requirements of education
25 in the State of Illinois and recommend to the General Assembly
26 the powers which should be exercised by the Board. Every year,

1 ~~the~~ The Board shall recommend the passage and the legislation
2 necessary to determine the appropriate relationship between
3 the Board and local boards of education and the various State
4 agencies and shall recommend desirable modifications in the
5 laws which affect schools.

6 D. Two members of the Board shall be appointed by the
7 chairperson to serve on a standing joint Education Committee, 2
8 others shall be appointed from the Board of Higher Education, 2
9 others shall be appointed by the chairperson of the Illinois
10 Community College Board, and 2 others shall be appointed by the
11 chairperson of the Human Resource Investment Council. The
12 Committee shall be responsible for making recommendations
13 concerning the submission of any workforce development plan or
14 workforce training program required by federal law or under any
15 block grant authority. The Committee will be responsible for
16 developing policy on matters of mutual concern to elementary,
17 secondary and higher education such as Occupational and Career
18 Education, Teacher Preparation and Certification, Educational
19 Finance, Articulation between Elementary, Secondary and Higher
20 Education and Research and Planning. The joint Education
21 Committee shall meet at least quarterly and submit an annual
22 report of its findings, conclusions, and recommendations to the
23 State Board of Education, the Board of Higher Education, the
24 Illinois Community College Board, the Human Resource
25 Investment Council, the Governor, and the General Assembly. All
26 meetings of this Committee shall be official meetings for

1 reimbursement under this Act. On the effective date of this
2 amendatory Act of the 95th General Assembly, the Joint
3 Education Committee is abolished.

4 E. Five members of the Board shall constitute a quorum. A
5 majority vote of the members appointed, confirmed and serving
6 on the Board is required to approve any action, ~~except that the~~
7 ~~new Board members who were appointed to fill seats of members~~
8 ~~whose terms were terminated on the effective date of this~~
9 ~~amendatory act of the 93rd General Assembly may vote to approve~~
10 ~~actions when appointed and serving.~~

11 E-5. Using the most recently available data, the Board
12 shall prepare and submit to the General Assembly and the
13 Governor on or before January 14, 1976 and annually thereafter
14 a report or reports of its findings and recommendations. Such
15 annual report shall contain a separate section which provides a
16 critique and analysis of the status of education in Illinois
17 and which identifies its specific problems and recommends
18 express solutions therefor. Such annual report also shall
19 contain the following information for the preceding year ending
20 on June 30: each act or omission of a school district of which
21 the State Board of Education has knowledge as a consequence of
22 scheduled, approved visits and which constituted a failure by
23 the district to comply with applicable State or federal laws or
24 regulations relating to public education, the name of such
25 district, the date or dates on which the State Board of
26 Education notified the school district of such act or omission,

1 and what action, if any, the school district took with respect
2 thereto after being notified thereof by the State Board of
3 Education. The report shall also include the statewide high
4 school dropout rate by grade level, sex and race and the annual
5 student dropout rate of and the number of students who graduate
6 from, transfer from or otherwise leave bilingual programs. The
7 annual report shall include any recommended legislation that
8 the Board considers appropriate for the educational needs of
9 this State and how far behind the federal government is on No
10 Child Left Behind Act funding for this State. The Auditor
11 General shall annually perform a compliance audit of the State
12 Board of Education's performance of the reporting duty imposed
13 by this subsection E-5 ~~amendatory Act of 1986~~. A regular system
14 of communication with other directly related State agencies
15 shall be implemented.

16 The requirement for reporting to the General Assembly shall
17 be satisfied by filing copies of the report with the Speaker,
18 the Minority Leader and the Clerk of the House of
19 Representatives and the President, the Minority Leader and the
20 Secretary of the Senate and the Legislative Council, as
21 required by Section 3.1 of the General Assembly Organization
22 Act, and filing such additional copies with the State
23 Government Report Distribution Center for the General Assembly
24 as is required under paragraph (t) of Section 7 of the State
25 Library Act.

26 F. ~~The~~ Upon appointment of the 7 new Board members who were

1 ~~appointed to fill seats of members whose terms were terminated~~
2 ~~on the effective date of this amendatory Act of the 93rd~~
3 ~~General Assembly,~~ the Board shall review all of its current
4 rules in an effort to streamline procedures, improve
5 efficiency, and eliminate unnecessary forms and paperwork.

6 G. The Board shall provide the General Assembly with a
7 separate budget that shows what is needed to fully fund all
8 State mandates and to meet the educational needs of this State.
9 This budget must be filed with the Secretary of the Senate and
10 the Clerk of the House of Representatives at the same time that
11 the information required to be submitted to the General
12 Assembly under subdivision (b) of Section 6 of the Governor's
13 Office of Management and Budget Act is filed with the Secretary
14 of the Senate and the Clerk of the House of Representatives.

15 (Source: P.A. 95-626, eff. 6-1-08; 95-793, eff. 1-1-09.)

16 Section 97. Severability. The provisions of this Act are
17 severable under Section 1.31 of the Statute on Statutes.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.